IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9683 OF 2004

Smt.Indubai widow of
Ramchandra Kankraj & Ors. ..Petitioners.

Vs.

Ratnaprabhabai Sonusa Vakhare
& Ors. ..Respondents.

....

Mr.P.N.Joshi for the Petitioners.

CORAM : DR.D.Y.CHANDRACHUD, J.

8th April, 2005.

P.C. :

The concurrent finding of both the Courts, particularly at the interim stage, on the basis of which an order of interim injunction has been granted in a suit for partition, does not warrant any interference under Article 227. In so far as the issue of jurisdiction is concerned, it would always be open to the Petitioners to move an appropriate application before the Trial Court for framing an issue in regard to the jurisdiction of the Court and for deciding that issue as a

preliminary issue. The Petition is rejected.